

1 Dawn L. Davis, Esq.  
Nevada Bar No. 13329  
2 SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
3 Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
4 Facsimile: (702) 784-5252  
Email: ddavis@swlaw.com

5  
Jonathan P. Hersey, Esq.(admitted *pro hac vice*)  
6 Lea E. Gierut, Esq. (admitted *pro hac vice*)  
K&L GATES LLP  
7 1 Park Plaza, 12<sup>th</sup> Floor  
Irvine, California 92614  
8 Telephone: (949) 253-0900  
Facsimile: (949) 253-0902  
9 Email: jonathan.hersey@klgates.com  
lea.gierut@klgates.com

10 *Attorneys for Defendants*  
11 *John Duff III, Henry Smith, and Maxwell Roux*

12 UNITED STATES DISTRICT COURT  
13  
14 DISTRICT OF NEVADA

15 KRISHNA OKHANDIAR, an individual, and  
16 REMILIA CORPORATION LLC, a Delaware  
limited liability company,

17 Plaintiffs,

18 v.

19 JOHN DUFF III, an individual,  
HENRY SMITH, an individual, and  
20 MAXWELL ROUX, an individual,

21 Defendants.

Case No. 2:23-cv-1409- APG-EJY

**REPLY DECLARATION OF  
JONATHAN P. HERSEY IN SUPPORT  
OF DEFENDANTS' MOTION TO  
DISMISS PURSUANT TO FED. R. CIV.  
P. 12(b)(2) & 12(b)(3), OR  
ALTERNATIVELY TO TRANSFER  
PURSUANT TO 28 U.S.C. §§ 1406(a) OR  
1404(a)**

**REPLY DECLARATION OF JONATHAN P. HERSEY**

I, Jonathan P. Hersey, declare:

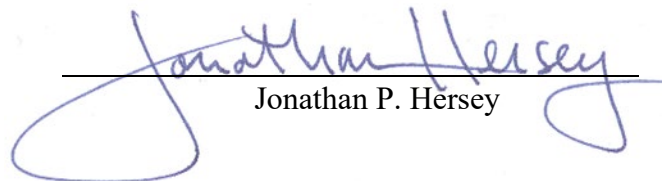
1. I am a partner with the law firm of K&L Gates LLP, attorneys for defendants John Duff III, Henry Smith, and Maxwell Roux (“Defendants”). I am over the age of eighteen and make this declaration based on my personal knowledge. I submit this Reply Declaration in support of Defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) or 12(b)(3), or Alternatively to Transfer Pursuant to 28 U.S.C. §§ 1406(a) or 1404(a). I am competent to testify to the matters set forth in this declaration, and would do so competently if called to testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of Defendants’ Notice of Removal (without the accompanying exhibits) that Okhandiar and Remilia Corp. (the plaintiffs in this case) filed in the Delaware Action entitled *Roux et al. v. Okhandiar, et al.*, Case No. 1:23-cv-01056-GBW, on September 27, 2023 [Doc. 1]. While the Court may take judicial notice of the Notice of Removal pursuant Federal Rule of Evidence 201(b), a copy is provided for the Court’s convenience.

3. In paragraph 16 on page 4 of the Notice of Removal (highlighted in Exhibit A), Okhandiar and Remilia Corp. informed the Delaware District Court that despite the removal, they were retaining the right to object to the court’s exercise of personal jurisdiction over them, and also to contest venue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed February 8, 2024, at Irvine, California.

  
Jonathan P. Hersey

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2024, I electronically filed the foregoing **REPLY DECLARATION OF JONATHAN P. HERSEY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(2) & 12(b)(3), OR ALTERNATIVELY TO TRANSFER PURSUANT TO 28 U.S.C. §§ 1406(a) OR 1404(a)** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Lyndsey Luxford  
An employee of SNELL & WILMER L.L.P.

Snell & Wilmer

L.L.P.  
LAW OFFICES  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
702.784.5200